



Attorney Docket No.: 101.0093-00000

Customer No. 22882

Express Mail Label No. ED541942679US

NOV 04 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:  
Gary K. Michelson  
Serial No.: 10/085,406  
Filed: March 1, 2002  
For: ARCUATE DYNAMIC LORDOTIC GUARD  
WITH MOBILE EXTENSIONS FOR  
CREATING AN IMPLANTATION SPACE  
POSTERIORLY IN THE LUMBAR SPINE  
(as amended)

) Confirmation No.: 6768  
) Group Art Unit: 3732  
) Examiner: M. Priddy

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a reply to the Office Action dated May 4, 2004 in the above-identified application.

No additional fee is required.  
 Applicant hereby requests a three-month extension of time to respond to the above office action.  
 An Information Disclosure Statement Under 37 C.F.R. § 1.97(c) with Form PTO-1449 and 8 documents is enclosed.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE		ADD'L FEE DUE
TOTAL CLAIMS FEE	121	-	159	**	0	LG=\$18 SM=\$9	\$18
INDEPENDENT CLAIMS FEE	2	-	3	***	0	LG=\$88 SM=\$44	\$88
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS						LARGE ENTITY FEE = \$300 SMALL ENTITY FEE = \$150	\$ 0
						TOTAL	\$ 0

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

The total amount of \$1,160.00 to cover the \$980 three-month extension fee and \$180 IDS fee is to be charged to Deposit Account No. 50-1066.  
 The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1066. A copy of this sheet is enclosed.  
 Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims  
 Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,  
MARTIN & FERRARO, LLP

By:

Thomas H. Martin

Registration No. 34,383

Date: November 4, 2004

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11-05-4

*5FW 3732*  
PATENT  
Attorney Docket No. 101.0093-00000  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Gary K. Michelson )  
Serial No.: 10/085,406 ) Group Art Unit: 3732  
Filed: March 1, 2002 ) Examiner: M. Priddy  
For: ARCUATE DYNAMIC LORDOTIC )  
GUARD WITH MOVABLE )  
EXTENSIONS FOR CREATING AN )  
IMPLANTATION SPACE )  
POSTERIORLY IN THE )  
LUMBAR SPINE (as amended) )

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL**

Express Mail Mailing Label No. ED541942679US

Date of Deposit: November 4, 2004

I hereby certify that:

1. Transmittal Form (in duplicate; \$1,160.00 total amount to cover the \$980 three-month extension fee and \$180 IDS fee is to be charged to Deposit Account No. 50-1066)
2. Amendment
3. Information Disclosure Statement Under 37 C.F.R. § 1.97(c) with Form PTO-1449 and 8 documents
4. Self-addressed stamped return postcard receipt

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date: November 4, 2004



*Sandra L. Blackmon*  
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